

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

Gabriel Technologies Corp, et al. ,

Plaintiff,

vs.

Qualcomm Incorporated, et al. ,

Defendants.

CASE NO. 08CV1992-AJB(MDD)

ORDER TAXING COSTS

Upon application of Qualcomm, Snaptrack and Norman Krasner, a hearing for taxation of costs was held on November 2, 2012 at 10:00 am. Peter A. Sullivan and Colleen Carlton Smith representing plaintiffs, and Jeffrey S. Karr, representing defendants, appeared.

Detailed invoices for the deposition costs are requested to be filed on November 29, 2012. Any opposition or responsive pleading to the additional invoice information is to be filed by December 13, 2012. A further telephonica Bill of Costs hearing will be held on December 20, 2012 at 10:00 am.

On November 28, 2012 a Joint Submission Re: Deposition Expenses Requested in Defendants' Bill of Costs [350] was filed. The parties stipulated that the amount Qualcomm is entitled to recover is \$25,104.80 in deposition costs.

Plaintiff objected to the costs in their entirety because when the Bill of Costs [331] was filed on October 12, 2012 it only contained a line-item list of all the requested costs, it did not include all the individual invoices. On October 18, 2012 Defendants filed a Supplemental Declaration in Support of

Defendants Bill of Costs [337], attaching the individual invoices for costs requested. This objection is denied because the Bill of Costs was filed with a line-item listing of all the charges and some of the invoices. The additional invoices were filed outside the 14 day requirement for the filing of the Bill of Costs, but within the 14-day notice requirement for the Bill of Costs hearing date.

\$93.00 is requested for "Fees of the Clerk". These fees are all for messenger service to deliver documents, these are not taxable as Fees of the Clerk and are denied.

The invoices submitted for Service of Summons and Subpoenas included "Rush" and "Expedited" charges that are not taxable in the amount of \$3,590.00.

Video deposition costs are not taxable pursuant to Civil LR 54.1(b)(3)(b). \$26,766.88 of video deposition costs are denied.

Qualcomm requests \$928,899.07 for "Fees for exemplification and copies". Civil LR 54.1(b)(6)(c) indicates:

The party seeking recovery must present documentary evidence in the form of affidavits describing the documents copied, to whom they were provided, the number of pages copied, and the cost per page, and the use of or intended purpose for the items copied. If documents were provided only to the party seeking recovery, that party must specify the purpose of acquisition and photocopying of the documents served. In the absence of a specific showing, recovery must be denied.

In the pleadings filed, line item itemization was provided for the specific costs. The required information was not provided. A determination of what documents were described, to whom they were provided, the number copied and the cost per page and the use or intended purpose of the items copied was not. Based on this information it was not able to be determined if the costs requested were taxable. These costs are denied.

Costs are taxed as follows:

<i>Description</i>	<i>Amount(s) Requested</i>	<i>Amount(s) Taxed</i>
Fees of the clerk	\$93.00	\$0.00
Fees for service of summons and subpoenas	\$4,270.65	\$680.65

1	Fees for printed or electronically recorded transcripts	\$84,028.42	\$25,104.80
2	necessarily obtained for use in the case		
3	\$26,766.88 - video deposition costs - denied		
	- expedited deposition costs - denied		
4	Fees and disbursements for printing		
5	Fees for witnesses		
6	Fees for exemplification and copies	\$928,899.07	\$0.00
7	Docket fees under 28 U.S.C. § 1923		
8	Costs incident to taking of depositions		
9	Costs as shown on mandate of Court of Appeals		
	Other costs as itemized:		
10	TOTAL COSTS TAXED	\$1,017,291.14	\$25,785.45
11	in favor of Qualcomm, Snaptrack and Norman Krasner		

13 Counsel's attention is called to Local Rule 54.1.h which provides in part that a motion to re-tax
14 by any party, in accordance with Rule 54(d), FRCivP and Local Rule 7.1, shall be served and filed
15 within seven (7) days after receipt of the Order Taxing Costs, or unless within the seven (7) day period
16 the court permits the motion to be made orally.

18 Dated: December 18, 2012

19 W. Samuel Hamrick, Jr., Clerk of Court

21 S/ N. Prewitt
22 Nancy S. Prewitt, CRD Supervisor

23 cc: All Parties
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